



**MINUTES  
CITY COUNCIL REGULAR MEETING  
November 24, 2020**

**CALL TO ORDER**

The meeting was called to order at 6:31 pm.

*Due to the COVID-19 health pandemic, the Long Lake City Council attended this meeting telephonically pursuant to Minn. Stat. 13D.021.*

**Present:** Mayor: Charlie Miner; Council: Tom Skjaret, Jahn Dyvik, Michelle Jerde, and Deirdre Kvale

**Staff Present:** City Administrator: Scott Weske (in person); Planning Consultant: Hannah Rybak (telephonically); Engineering Consultant: Alex Mollenkamp (telephonically); Fire Chief: James Van Eyll (telephonically); and City Clerk: Jeanette Moeller (in person)

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATE**

Mayor Miner noted that it had been fairly quiet in the City over the last week or two. He wished the residents as pleasant of a Thanksgiving as they can have despite the COVID-19 pandemic. He stated that the dial back called for by Governor Walz will be in effect through December 18, 2020. He encouraged residents to patronize their local businesses as much as possible because this will be a very difficult time for them.

The Economic Development Authority met earlier prior to the regular City Council meeting and discussed potential ideas for the property at 1905 W Wayzata Boulevard (the former BP site). The EDA also approved a development agreement with The Borough, LLC who is developing the City-owned Virginia Avenue property and is in the process of acquiring the privately owned parcels along Virginia Avenue.

**APPROVE AGENDA**

*A motion was made by Jerde, seconded by Skjaret, to approve the agenda as presented. Ayes: all by roll call.*

**CONSENT AGENDA**

- A. Approve Minutes of November 10, 2020 City Council Work Session
- B. Approve Minutes of November 10, 2020 City Council Meeting
- C. Approve Minutes of November 13, 2020 Canvassing Board Meeting
- D. Approve Minutes of November 13, 2020 City Council Special Meeting
- E. Receive Unofficial Draft Minutes of November 17, 2020 Planning Commission Meeting
- F. Approve Vendor Claims and Payroll
- G. Adopt Resolution No. 2020-40 Accepting a Donation to the Long Lake Fire Department in the amount of \$318.65 to Purchase Two FL Series NY Roof Hooks with Pry Bar Tip and Mounts

H. Receive 3<sup>rd</sup> Quarter 2020 Preliminary Revenues and Expenditures Ending September 30, 2020

*A motion was made by Dyvik, seconded by Skjaret, to approve the Consent Agenda as presented.  
Ayes: all by roll call.*

**OPEN CORRESPONDENCE**

City Clerk Moeller stated that there were a few comments that were submitted in writing intended for the Open Correspondence portion of the meeting. She read aloud a statement from Jane Davidson, 1020 Old Long Lake Road, who asked that her comments be read aloud at both the Planning Commission and the City Council meeting. After reading Ms. Davidson's comments into record, Moeller stated that she believes these comments are related to the Landings of Long Lake subdivision that is currently in progress. She commented that it is important to note that the houses that are going up right now are going up in a way that meets hardcover and setback requirements for the zoning district. Had the developer submitted, at time of plat, concepts that showed the footprints that the City is seeing, it would not have been grounds for any change in the approval process or denial because what is going in the ground is compliant with zoning standards. She noted that she agrees that when the City first saw the concept plans it was for 2,000 sq ft homes and what is being put up are different than that; however, it still does not conflict with the zoning district standards. She added that she believes this situation has been non-typical and this is the first time in her seventeen years with the City that she has seen a development that turned out to differ in size to a substantial degree from what was seen at concept. She reiterated that what is being constructed is compliant with zoning requirements for the district, but staff certainly understands the neighboring resident's frustration in this situation.

Council member Dyvik stated that he was going through some old packets and he came across the original plat for that project. He noted that he thinks this situation is wrong even though they are compliant. He explained that he had gone onto the County GIS site and he cannot believe that what they are constructing is actually within the 30% hardcover requirement. He stated that they sold this project to the neighbors and the City as these small footprints that would blend in with the neighborhood and that is not what has happened. He indicated that he sympathizes with the neighbors because if this would have presented in the manner in which they are actually building, he would have been less likely to approve the land use applications.

Council member Kvale asked if this developer had asked for any variances and asked if Council member Dyvik would have considered those differently than what was presented.

Council member Dyvik recalled that apparently there weren't variances needed, but the Council voted on a zoning application and the developer was showing homes with small footprints that they said would blend in with the neighborhood. He stated that they have violated his trust and, in his opinion, what has happened is wrong.

Council member Skjaret stated that he would disagree because when the development had originally been proposed as a PUD, it was a small footprint, but the lot sizes were probably half what they are now. He stated that the Council approved a subdivision dividing the lot into four lots and the lot sizes are up to 22,000 square feet so they can build as big as they would like up to zoning requirements. That is what the Council approved even if the Council happened to look at a photo or floor plan with a small footprint, but the zoning laws are clear that they can build up to 30%.

Council member Dyvik stated that he did not have to approve of the subdivision and noted that he would have been less likely to do that if he would have known what the end product would be. He added that the lots are large, but half of the lots are unusable because of the grade.

City Clerk Moeller believed that technically there was one variance issued for the number of properties sharing a driveway. She explained that there were no other variances for things such as setbacks. She stated that staff definitely has empathy in this situation and reiterated that it is unusual that the City sees something come before the City that is substantially different than what was presented at concept. However, if they were proposing something that was going to meet the zoning standards, voting action on an application is based on the criteria set forth in the zoning standards.

City Clerk Moeller noted that the City has also received comment by email from some citizens regarding the event stage proposal in Nelson Lakeside Park. She reported that the first letter was from Pat Norman and Carl Tomasko, and a second letter was received from Liz Olson. She asked if the Council members received these e-mails and had a chance to read them or if they need to be read into the record.

Council member Skjaret mentioned that he had read the letters regarding the stage and he felt they have a very good point. He stated that he understands why the original intent was to put the bandshell where currently planned, but he questions whether the next Council should consider an alternate location in the park, such as something behind Lakeside facing the lake and there would be less of an impact on the neighbors view of the lake and disruption near their homes.

Moeller noted that the Council approval of the stage construction was not specific to a location within the park, but authorizing City staff to be able to sign off on permits with the understanding the stage will be donated to the City. She clarified that there is nothing in the approval that would preclude the Council from continuing to work with the band stage committee on the location. She summarized that both of the letters voiced concerns about the location of the stage and requested that the Council consider an alternate location within the park.

Council member Dyvik asked if the City had any ordinance relating to the number of noise level permits that can be issued within a certain period of time. He stated that he was thinking of something similar to the temporary sign ordinance that limits the amount of permits they can have for a year.

Moeller indicated that it is less about the number of noise variance permits and more about the special event permit process. Typically, anything involving a special event permit requires applying 45 days prior to the event start date which necessitates some thought and process on the part of applicants. She stated that she does not anticipate that church services using the stage would need a special event permit; however, events like concerts and larger scale events or anything that will exceed the available parking will have to put some thought into it by applying 45 days prior and a noise variance permit would be part of that process.

Council member Dyvik commented that it appears as though it would be unlikely that there would be an event scheduled every Friday that would require a noise variance permit.

Moeller responded that an applicant could apply for a Special Event Permit for a series of Fridays, and that would come before Council for review.

## **BUSINESS ITEMS**

### **Update on Hennepin County Sheriff's Office Activities – Presentation by Sheriff David Hutchinson**

Sheriff David Hutchinson gave an update on the Hennepin County Sheriff's Office (HCSO) activities. He expressed his appreciation to the Wayzata Police Department and Chief Risvold for their work in the area. He stated that their office has been busy but he wanted to give assurance to the City that

although they have been battling COVID-19 and civil unrest, the City and other suburban partners are still getting the same level of service. He reviewed HCSO activities within Long Lake in 2020, such as water patrol unit and K-9 activities, but noted that overall the City is very safe and well run. He reported that with the unrest in Minneapolis, his department has been out in the middle of that alongside the Minneapolis Police force, however Minneapolis is down quite a few officers, so they are assisting as much as possible. He noted that he fully supports people's right to protest, however the word "peaceful" is the key and he emphasized that "if you break stuff, hurt people, or take away people's livelihoods, you will go to jail". He added that they have made mass arrests and will continue to do that. He stated that he has always advised people not to get arrested in Hennepin County, but during a COVID outbreak it is an especially good idea. He asked for the City to support good law enforcement as well as recognize that there needs to be a better job done surrounding mental health issues. He stated that many individuals with mental health problems do not belong in jail, but in care facilities. He pointed out that public safety is not just about arresting the bad people, it is about helping people.

Mayor Miner thanked Sheriff Hutchinson for his presentation and expressed the City's appreciation for everything his office does. He stated that he thinks the City has the most contact with the Sheriff's department for water patrol unit services. He noted that the trial for the former Minneapolis Police officer involved in the George Floyd incident will be coming up next spring and there will be concerns about civil unrest, but he expressed confidence that both the Sheriff's Department and the Wayzata Police Department are planning for that and will be prepared.

Council member Jerde thanked Sheriff Hutchinson and his department for their service.

Council member Kvale asked what kind of disturbances were expected in the coming spring.

Mayor Miner explained that with the trial for the Minneapolis officer involved in the George Floyd situation there is the possibility for unrest.

Sheriff Hutchinson commented that he has talked to all the bigger agencies in the area and there will be a lot of officers as well as the National Guard in place all over the region. He stated that they will do their best to keep everyone safe and he believes that Minneapolis and others have learned from their mistakes and will not let the city burn. He added that he believed that the earlier threat of violent activity heading out to the suburbs was made by Antifa, or by people that want to be Antifa-affiliated. He noted that he felt these threats were intended to mess around with resources for law enforcement.

Police Chief Risvold stated that, as a suburban Chief, his department relies on the Sheriff's office for mutual aid as well as their support services. He mentioned that Sheriff Hutchinson is a law and order Sheriff, which he really appreciates. He commented that Sheriff Hutchinson doesn't just say the right words, he follows them up with action and that has been very helpful for local law enforcement efforts. He advised that the Sheriff also takes good care of his people, and noted that Sheriff Hutchinson has a wellness program that is known across both the state and the country as one of the most progressive and well respected in the nation.

**Planning Case #2020-04/Request for Approval of a Preliminary and Final Plat and a Variance for Stauber Addition to be located at 1055 Wayzata Boulevard W and the Unaddressed property at PID:35-118-23-42-0013**

Planning Consultant provided an overview of the site of the Stauber Addition application and the plans for subdivision. She explained that the properties are currently zoned R-1, Single Family Residential and the future land use map and Comprehensive Plan guides the properties to remain low density residential. She noted that the variance request is to waive the requirement that all lots have frontage on a public street for Lot 2. The proposed concept plan moves the existing driveway

which partially sits on the neighboring property and will move the new driveway to be completely on this property, using the existing non-conforming access to Wayzata Boulevard W. She reviewed the evaluation of the lot requirements and commented that both proposed lots are more than double the minimum required lot size of 10,000 sq ft. She indicated that the applicant had provided a tree inventory along with the subdivision request and staff is anticipating that at least 23 trees will need to be removed to accommodate the development on both lots. She stated that she is recommending a condition that trees be replaced on a ratio of 1:3 and that the trees removed be required to be replaced on the same lot where they were removed.

City Engineer Mollenkamp reviewed the engineering comments and considerations related to this application.

Rybak reviewed the general, overall, and variance requirements for both the preliminary and final plat. She stated that the City had received two letters from neighboring property owners, provided for Council members in their meeting packets. The Planning Commission recommended approval of the application with the 10 conditions as outlined in the staff report.

Council member Kvale asked how sewer would be delivered to Lot 1.

Mollenkamp explained that the Lot 1 services will likely come off of Wayzata Boulevard W and may already exist to the site.

Council member Kvale asked what would happen if they could not get an easement over private property for Lot 2 and questioned if they could hook up through Lot 1.

Mollenkamp stated that she would have to look into that, but believes they would have to connect through the Wayzata Boulevard W main line.

Mayor Miner asked if staff had been able to work with the two neighboring property owners who had expressed some concerns in order to address those concerns as best as they could.

Rybak noted that the public hearing at the Planning Commission meeting was quite long and many of the neighbors were concerned with the development of this parcel. She explained that some of the nearby property owners have been maintaining a portion of this property for years. She commented that the applicant has stated that he is very willing to work through issues and was clear that he did not want to add to any drainage problems. She added that she felt there was good dialogue between all the parties.

Robb Stauber, applicant and property owner, advised that his plan is to build the first house on Lot 1 which will not be much bigger than the current farmhouse already in existence. He stated that there is no current plan to build on Lot 2 right now.

Mayor Miner asked if Mr. Stauber planned to live in the home on Lot 1.

Mr. Stauber confirmed that he planned to live in the home.

Council member Dyvik noted that he feels the current driveway is pretty dangerous. He asked whether there was a variance condition related to the subdivision not providing financial gain.

Rybak clarified that financial gain cannot be the sole reason for granting of a variance.

Council member Dyvik stated that in his opinion that is what this situation appears to be.

Rybak responded that this criteria is always up for interpretation, but noted that there is a large amount of land in this location which does allow use for a permitted use, and a single-family residence is a permitted use.

Council member Kvale commented that she had gotten the sense that this was actually two lots.

Rybak clarified that the application site is currently two lots; however, one piece is long, skinny, and landlocked and the other parcel is the single-family lot that houses the existing home.

Council member Kvale stated that this application was actually reconfiguring two lots and dividing them differently. She asked if the portion of the lot that won't have a home will be replatted and separate.

Rybak explained that the applicant has proposed for the section of land referenced to be an outlot and kept in its natural state. She pointed out that the only thing that could be done to make the outlot area more useful would be to split it off and sell portions to the abutting property owners.

Mr. Stauber stated that he has been up and down the existing driveway and the most dangerous aspect of it is that it is gravel. He believes that the new driveway being constructed from blacktop will make it a safer situation.

*A motion was made by Jerde and seconded by Skjaret to adopt Resolution No. 2020-41 approving a Preliminary Plat, Final Plat and Variance at the properties located at 1055 Wayzata Boulevard W and the Unaddressed property at PID:35-118-23-42-0013, subject to the 10 conditions as contained in the Resolution. Ayes: all by roll call.*

Council member Kvale asked if, based on the comments from the neighbors, Mr. Stauber would set back the home a bit in order to still supply some privacy.

Mr. Stauber indicated that there will be a ton of screening because the home on Lot 2 will not want to have a view of the neighboring properties either. He noted that Lot 2 is a beautiful, private lot and assured the neighbors that when finished, the product will be very similar to what was presented today.

**Planning Case #2020-05/Request for Approval of a Rezoning to B-2A Service Business District for the Properties Located at 2465 Wayzata Boulevard W and 2455 Industrial Boulevard W**

Planning Consultant Rybak introduced the rezoning request for 2465 Wayzata Boulevard W and 2455 Industrial Boulevard W. The current zoning for these properties is I-1 Industrial and the 2040 Comprehensive Plan guides them to continue for commercial land use. She noted that an original CUP for the dome properties was issued in the early 1990s to allow the mini-golf business and the construction of the dome structure which was allowed specifically for golf uses. She explained that over the years, the previous owner has expanded the use of the dome to include other sports but never came back to the City for an amendment to make those allowed uses. Any change to the use should have come back before the City for either an amended CUP or a rezoning. There is now a new owner who recently purchased the properties, has been making improvements and wants to bring the use of the site into full compliance with the zoning code. Staff recommended that the applicant request a rezoning to the B-2A zoning classification rather than an amendment to the CUP. She noted that the plans for the facility include courts and turf for basketball, soccer, volleyball, baseball and softball for team training, competition and individual lessons. She stated that there will also be batting cages, weight training and a café as well as various other options for equipment and classes. The property owner would also like to provide a future outdoor field area. Staff and the Planning Commission recommend approval.

Council member Dyvik stated that he thought the previous CUP required them to pave the parking lot, which never happened.

Rybak responded that she was under the impression the pavement was taken out sometime after 2013. She indicated that the lot was paved in the past and noted that the applicant is going to be paving the lot, but they have not fully completed the plans yet.

Council member Skjaret commented that he has been looking at this property for the last 12 years as he has served on the Council, asking for someone to please pave that lot. He recalled that the previous owner refused to pave it and would still come in and ask for special event permits. He stated that he would like to see something other than the word 'eventually' associated with the parking lot, and asked for an actual timeline of when the City can expect the lot to be paved.

Council members Jerde and Dyvik agreed with Council member Skjaret's comments regarding the lot.

Council member Skjaret added that he understands that this is a new owner and a new venture which presents some challenges; however, he would like to put in a deadline by which the lot has to be paved.

Rybak advised that the City cannot place a condition on the rezoning related to paving the lot, but could notify the property owner from a zoning code enforcement standpoint.

Council member Skjaret stated that his intent is not to be punitive, but he would like something in writing that says the lot will be paved within a certain timeframe.

Aaron Robinson, property owner and applicant, advised Council that he has already gotten a few bids for paving the parking lot and it will be completed within the next six or seven months, before the summer of 2021.

*A motion was made by Skjaret, seconded by Jerde, to adopt Ordinance No. 2020-05 rezoning the subject parcels to B-2A Service Business District.*

Council member Dyvik asked about the variance request for parking spaces.

Rybak advised that the applicant has plans that the previous owner had drawn up showing 107 parking spaces, which is what the original variance for the dome was approved for and fits nicely on the property. Her understanding from Mr. Robinson is that he does not wish to deviate much from what the parking lot used to be and those original plans, so the variance request would be based on square footage for a fitness center which based on the size of the dome would require a significantly high number of parking spaces - somewhere around 200 spaces. She stated that the future variance request would essentially be a retroactive variance for parking to serve a building that is already in existence, but the City would want to reprocess it and take a look at it based on current use. She noted that there is not a huge opportunity to add spaces over what used to be in place at the site, but they would want to bring that back before the Council for consideration under the current usage.

Council member Dyvik asked if the variance would basically be for allowing the building to have about half of the parking spaces available that a building of this size should have.

Rybak confirmed Council member Dyvik's understanding was accurate.

*Ayes: all by roll call.*



**Approve Purchase of Extrication Tools for the Long Lake Fire Department**

Fire Chief Van Eyll reported on his request to purchase extrication tools for the Fire Department. He noted that CARES Act funding was able to be used to offset some of his salary, and he is proposing that the surplus City funds be used to purchase this equipment for Station 1. He stated that he has proposed this same use of funds to Orono and Medina.

*A motion was made by Dyvik, seconded by Jerde, to approve purchase of the Genesis 553 Spreader and C235 NXTGEN Cutter extrication tools for the Long Lake Fire Department. Ayes: all by roll call.*

**Purchase of Replacement Self Contained Breathing Apparatus (SCBA) Equipment for the Long Lake Fire Department**

Fire Chief Van Eyll presented the request to replace SCBA equipment for the Long Lake Fire Department. He reported that the current SCBA equipment was last purchased in 2006 and the SCBAs are at the end of their life expectancy. He stated that they would like to replace their equipment with a new version by the same manufacturer that meets all the current standards. He explained that with this new equipment, they can eventually add pieces to enable communication through Bluetooth and their current radios.

Council member Skjaret asked how the bottles could be refilled.

Van Eyll responded that the department has a fill station at each fire station and also has the ability through their mutual aid partners to have air trucks come out to the scene in order to refill on site, if needed.

Council member Kvale asked if Orono had approved the proposed purchase.

Van Eyll replied that the purchase was recently approved by the Orono Council. He added that this equipment replacement has also been on their capital plan for awhile.

*A motion was made by Skjaret, seconded by Jerde, to approve purchasing 3M Scott Air-Pak X3 Pro SCBA equipment with the 3M Scott Vision Facepiece with E-Z Flo C5 Regulator through the HGAC Cooperative Purchasing Program. Ayes: all by roll call.*

**Consider Scheduling Special City Council Meeting on December 29, 2020 for Action on the Final Plat Application for The Borough, and Other Items Related to the Project**

*A motion was made by Dyvik, seconded by Miner, to schedule a Special City Council Meeting on December 29, 2020 at 6:00 pm for action on the Final Plat application for The Borough, and other items related to the project. Ayes by roll call: Dyvik, Jerde, and Miner. Nays by roll all: Kvale and Skjaret. Motion carried.*

**Consider Authorizing City Staff to Issue One Month Rebates to 2020 Liquor Licensees**

City Administrator Weske recalled that earlier in the year, due to COVID-19, the City had taken action refunding liquor license holders one month of their annual fee. He stated that due to the recent shutdown ordered by Governor Walz, he is asking the Council to consider authorizing one more one-month rebate to on sale liquor licensees at the same pro-rated dollar amount. He noted that some of the license holders have asked for the option to enter into an installment payment agreement for 2021 license fees.

*A motion was made by Skjaret, seconded by Jerde, to authorize City staff to issue one month rebates to 2020 liquor licensees. Ayes: all by roll call.*

## **OTHER BUSINESS**

**Storage of Old Council Packets** – Council member Dyvik indicated that he had tried to pull up an old Council packet that had been sent via Dropbox but it was no longer there. He questioned if it was standard procedure to delete the old Council packets. Weske replied that City Clerk Moeller explained to him that the City uses a free version of Dropbox to give the Council members the ability to download the packet when the file was too large to email, but not as a permanent storage location. He noted that the packets are all available upon request at City Hall.

**1090 Old Long Lake Road** – Council member Dyvik shared his screen that showed an aerial photo of 1090 Old Long Lake Road and commented that from the picture it appears to him that the property and the pool exceed 30% hardcover. He reiterated that this project was presented as a small footprint when it first came before the Council. He expressed concern that this same thing may happen with the subdivision request made by Mr. Stauber this evening where the homes were presented with a small footprint. Mayor Miner asked what tool is used to determine lot coverage. City Administrator Weske stated that hardcover calculations are made through engineering and they have a program that can do measurements that show coverage. The City Engineer did actually complete a hardcover calculation at the City's request independent of the calculations submitted through applications. Council member Kvale stated that it also appears as though the 1090 Old Long Lake Road home may be right up against the property line. Council member Dyvik stated he is not questioning that, but does question the lot coverage.

**Holiday Lighting** – Council member Skjaret asked if and when the City Christmas lights would be going up. Weske replied that the ones hung by the Orono Lions Club near the lake are already in place. He stated that he believes the company that hangs the lights on City light poles will be doing it November 27, 2020 and holiday banners should be going up on November 30, 2020, depending on weather. Mayor Miner asked Park Board member Joyce about the tree in Holbrook Park and whether there would be a lighting ceremony. Park Board member Joyce stated that they wanted to do something special for the lighting, but due to COVID-19 their understanding is that will not be possible. She indicated that they may just try to announce on Facebook that the holiday tree is in place, lit, and ready for people to enjoy. She noted that the Park Board was planning to take care of the decorations themselves, but she is not sure when that will be completed. Fire Chief Van Eyll added that with Governor Walz's dial back, it forced cancellation of the tree lighting ceremonies in both Orono and Long Lake.

**COVID-19 Testing Site** – Van Eyll reported that he has been working with the County, the Department of Health, and new owner Mr. Robinson to try to use the sports dome for a possible COVID-19 testing site. He confirmed he would keep the Council informed as meetings and discussions happen. Council member Skjaret asked about the possibility of putting up a tent and utilizing the Public Works building as a testing site. Van Eyll stated that they are trying to get away from using tents and would like to use indoor structures because of the upcoming inclement weather during the winter. Council member Dyvik noted that traffic control will need to be taken into consideration and shared his experience near a North Memorial testing center. The Council discussed some alternative vacant locations in and near Long Lake for other possible COVID-19 testing centers.

**Fire Department Training Opportunity** - Van Eyll stated that he may be contacting Mr. Stauber to ask about utilizing the existing farmhouse on his property for some Fire Department training activities before demolition.

**Snowball Open Cancellation** - Weske informed Council that the Snowball Open will not be applying for an event permit this year, which is unfortunate because that event has been around for decades.

**Rink Update** – Weske reported that City will not be opening its warming hut for the ice skating rink in Holbrook Park, but staff is still trying to determine if the City can make ice and have the rinks open. Van Eyll stated that making ice is fine, but the organized activities that people have been asking about for bringing teams in for practices would not be allowed.

**ADJOURN**

*Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:24 pm.*

Respectfully submitted,

Scott Weske  
City Administrator